

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

CALNET, Inc.,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:14-cv-401 LOG/JFA
)	
CloudSilver Consulting LLC, et al.,)	
)	
Defendants.)	
)	

**CONSENT MOTION TO AMEND SCHEDULING ORDER
AND APPROVED JOINT DISCOVERY PLAN**

Defendants CloudSilver Consulting LLC (“CloudSilver”), Anthony F. Scolaro (“Scolaro”), and Kris Menon (“Menon”) (collectively, “Defendants”) hereby move this Court,¹ pursuant to Federal Rules of Civil Procedure 6(b) and 16, for an Order amending the August 27, 2014 Scheduling Order [Dkt. 59] and the parties’ Joint Discovery Plan [Dkt. 58], made necessary to accommodate the substitution of counsel for Defendants that has recently been approved by this Court.

As grounds for this Motion and good cause, Defendants state as follows:

1. Plaintiff filed the instant case on April 14, 2014. [Dkt. 1.] After various motions, including motions to dismiss by each Defendant and a motion by Plaintiff to disqualify counsel for Defendants CloudSilver, Scolaro, and Menon, Plaintiff filed an Amended Complaint on May 28, 2014. [Dkt. 24.] On July 21, 2014, Defendants filed Answers, after having filed

¹ Defendants CloudSilver, Scolaro, and Menon seek this relief with the full consent of Defendant Feizal Mohideen, Plaintiff CALNET, Inc., and Counterclaim Defendant Kaleem Shah.

motions to dismiss specific to the Amended Complaint, which were denied by this Court on July 11, 2014. [Dkt. 44, 46, 47.]

2. On August 27, 2014, the Court entered an order approving the parties' proposed Joint Discovery Plan and issuing a Rule 16(b) Scheduling Order. [Dkt. 58, 59.]

3. The discovery period set forth therein is aggressive and was negotiated and agreed to by Defendants' prior counsel, Mr. Lee Berlik and Ms. Mary Baker of BerlikLaw, LLC, before their need arose to withdraw from this litigation due to a family emergency requiring the immediate attention of Ms. Baker.

4. On September 23, 2014, Mr. Berlik and Ms. Baker sought to withdraw as counsel of record for Defendants CloudSilver, Scolaro, and Menon to be substituted by new counsel, Ms. Deborah Israel (to serve as counsel for Defendants CloudSilver and Scolaro) and Mr. David Tripp (to serve as counsel for Defendant Menon), who had noticed their appearance just one day prior. [Dkt. 61, 62, 65.] The Court granted these motions to substitute counsel. [Dkt. 68, 69.]

5. Subsequently, new counsel for Defendants CloudSilver, Scolaro, and Menon and Plaintiff's counsel conferred regarding extensions of certain discovery deadlines and agreed that a thirty (30) day extension for all discovery and pretrial deadlines set by the current Scheduling Order and Joint Discovery Plan seems appropriate to allow new counsel sufficient time to transition this case from BerlikLaw, LLC and fully learn the facts and issues arising from the parties' numerous claims and defenses.²

6. More particularly, while the current Scheduling Order was entered just short of one month ago, a significant amount of written discovery (party and third party) has been

² This brief extension of the schedule will also afford counsel for the parties an opportunity to engage in meaningful settlement discussions to try and resolve this matter without further encumbering the Court.

propounded to date, and discussions regarding deposition scheduling had already commenced prior to the substitution of counsel for Defendants. Further, there are a vast number of claims and counterclaims pending in this matter – fifteen (15) collectively among the parties – that Defendants’ new counsel must have an opportunity to fully evaluate and comprehend in order to fairly represent Defendants’ interests in this litigation.

7. More specifically, the original discovery period is scheduled to expire on December 12, 2014. To accommodate new counsel’s transition, the parties respectfully request that the Court amend the Scheduling Order to provide a one-month extension of the discovery period and related relief as follows:

- a. The discovery deadline be extended from December 12, 2014 through and including January 12, 2015.
- b. The final pretrial conference currently scheduled for December 18, 2014 at 10:00 a.m. be extended to a date the Court can accommodate no sooner than January 19, 2015, and the attendant deadline for Rule 26(a)(3) disclosures, trial exhibit lists, trial witness lists, and stipulations for uncontested facts be likewise extended to the date of the final pretrial conference.
- c. Paragraph 2 of the Joint Discovery Plan filed by the Parties [Dkt. 58] shall be modified to provide thirty (30) day extensions of each of the deadlines set forth therein.

8. The foregoing modifications are being requested solely to address the unanticipated situation and substitution of counsel set forth above, and to assure that Defendants’ interests are fully and fairly represented by new counsel.

9. Counsel for Defendant Mohideen has also agreed to the brief extension of the schedule proposed herein.

10. As the relief sought is only a brief thirty (30) day extension, this modification should not delay the trial of this matter or otherwise inconvenience the Court.

11. The parties have agreed to waive oral argument with respect to the relief sought by this consent motion.

For all the foregoing reasons, Defendants CloudSilver, Scolaro, and Menon, with the consent of Defendant Mohideen, Plaintiff CALNET, Inc. and Counterclaim Defendant Shah, respectfully request that this Consent Motion to Amend Scheduling Order and Approved Joint Discovery Plan be granted and that the schedule be modified as set forth herein. A proposed, endorsed Order is being filed herewith.

Respectfully submitted this 26th day of September, 2014.

CLOUDSILVER CONSULTING LLC
ANTHONY F. SCOLARO
By counsel

/s/

Deborah J. Israel (VA Bar No. 32378)
Alida M. Dagostino (admitted *pro hac vice*)
WOMBLE CARLYLE SANDRIDGE &
RICE, LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, DC 20036
Phone: (202) 857-4466
Fax: (202) 261-0034
disrael@wcsr.com
adagostino@wcsr.com

*Counsel for Defendants CloudSilver Consulting
LLC and Anthony F. Scolaro*

KRIS MENON
By counsel

/s/

David G. Tripp (VSB # 39865)
LAW OFFICES OF DAVID G. TRIPP
2000 Edmund Halley Drive, Suite 610
Reston, VA 20191
Phone: 703-860-2600
Fax: 703-860-2521
Email: dtripp@tripp-law.com

Counsel for Defendant Kris Menon

SEEN AND AGREED:

/s/

John M. Remy (VA Bar No. 65863)
JACKSON LEWIS P.C.
10701 Parkridge Boulevard
Suite 300
Reston, VA 20191
Phone: (703) 483-8300
Fax: (703) 483-8301
remyj@jacksonlewis.com

*Counsel for CALNET, Inc. and
Kaleem Shah*

/s/

R. Scott Caulkins (VA Bar No. 23584)
Patricia E. Bruce (VA Bar No. 48007)
CAULKINS & BRUCE PC
2300 Wilson Boulevard
Suite 240
Arlington, VA 22201
Phone: (703) 558-3670
Fax: (703) 525-1331
scaulkins@caulkinsbruce.com
pbruce@caulkinsbruce.com

Pro Hac Vice:

John Y. Vanderpool (CBN 161661)
Jon Cadieux (CBN 265155)
SMITH, STEINER, VANDERPOOL &
WAX, APC
401 West A Street
Suite 320
San Diego, CA 92101
Phone: (619) 239-7200
Fax: (619) 239-6048
JVanderpool@ssvwlaw.com
JCadieux@ssvwlaw.com

Counsel for Feizal Mohideen

CERTIFICATE OF SERVICE

I hereby certify that this paper is being filed using the Clerk's CM/ECF system on September 26, 2014, which will send notice of electronic filing to all counsel of record in this matter.

/s/

Deborah J. Israel (VA Bar No. 32378)
Alida M. Dagostino (admitted *pro hac vice*)
WOMBLE CARLYLE SANDRIDGE &
RICE, LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, DC 20036
Phone: (202) 857-4466
Fax: (202) 261-0034
disrael@wcsr.com
adagostino@wcsr.com